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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 06-60074

VERSUS

JUDGE DOHERTY

ANTONIO VALDEZ, JR. (07)

MAGISTRATE JUDGE HILL

**JUDGMENT**

This matter was referred to United States Magistrate Judge Michael C. Hill for Report and Recommendation. After an independent review of the record, and consideration of the objections filed, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

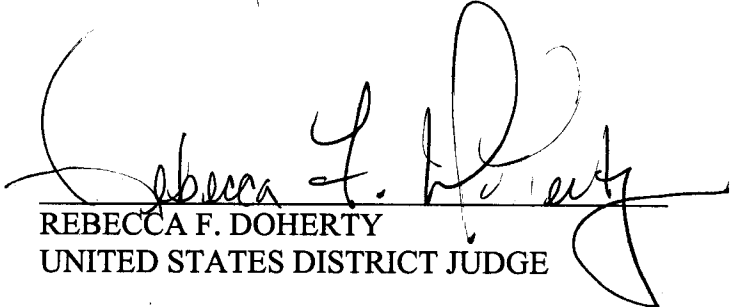
With regard to defendant's objections [Doc. 1013], the only objection this Court need address is that found at p. 10, which states as follows:

Antonio Valdez objects to the R&R on the Court's specific holding . . . that *Basurto* does not apply in that Valdez only requests the Court's use of its supervisory power to dismiss the indictment. Antonio Valdez has asserted due process claims throughout the entirety of his pleadings and has not in any way waived that due process review.

[Doc. 1013, p.10] The Court finds, to the extent defendant seeks dismissal of the second superceding indictment on the basis of violations of his due process rights, for those factual reasons addressed by the Magistrate Judge, the objection is **OVERRULED**, as defendant has not shown prejudice sufficient to warrant dismissal. See e.g. *Bank of Nova Scotia v. United States*, 487 U.S. 250, 254 (1988); *United States v. Whitfield*, 590 F.3d 325, 358-59 (5<sup>th</sup> Cir. 2009); *United States v. Agu*, 245 F.3d 791, \*1 (5<sup>th</sup> Cir. 2000).

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Antonio Luna Valdez, Jr.'s Motion to Dismiss [Doc. 919] is **DENIED**.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana this 31 day of, January, 2012.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

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DATE 2-1-2012

BY CB

TO Via fax: Richard  
McCoz/Willis